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EXAMINER

DESAI, RITA J

ART UNIT PAPER NUMBER

1625

DATE MAILED: 08/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 1625

DETAILED ACTION

Claims 1, 4-8, are under examination.

Newly added claims 300-303 are drawn to oligomers and hence fall within another Group.

Claims 13-294 are withdrawn.

Claims 2, 3 and 295-300 are cancelled.

The rejection of claims 1, 4-8 under 35 U.S.C. 103 as being obvious over Valli et al still stands.

Applicants argue that their compounds have one acid and one ester group whereas the prior art has two esters is not clear. Applicants have amended the claims to insert bis-amino acid which is contrary to the argument.

Applicants have also amended the claims to put in a functional language. This does not give any patentable weight to the compound.

Valli compounds are also dicarboxylic acids.

Applicants are also claiming bis- amino acids.

Z is described as a leaving group , indicating it would convert to an acid.

Applicants claims are not to the oligomer but to the monomer which is also known for a different use. Applicants are claiming compounds which are the starting materials. However these are obvious compounds.

The claims are not drawn to a process of making these compounds nor to the oligomers made by them.

Thus the argument are not convincing.

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The rejections of claims 1, 4-8 under 35 USC 103(a) US 5473077 and WO 9605828 Monn et al also still stands based on the arguments of record. Also see the above arguments.

New Rejection

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim recites R1 is aH and can be attached to the molecule at the position 2, 3 and 5.

The formula I shows a compound that is saturated. The carbons in the ring should have 4 bonds. In a saturated ring without any double bonds it is assumed that the remaining bonds are "H". Thus it is not clear how R1 can be further attached to a saturated ring.

Conclusion

Claims 1, 4-8 are not allowable.

Claims 13-294, 301-303 are withdrawn.

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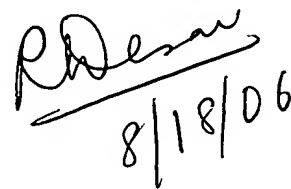
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita J. Desai whose telephone number is 571-272-0684. The examiner can normally be reached on Monday - Friday, flex time..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas McKenzie can be reached on 571-272-0670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Rita J. Desai
Primary Examiner
Art Unit 1625

R.D.
August 18, 2006

Handwritten signature of Rita J. Desai and the date 8/18/06.